

Maine Revised Statutes
Title 18-A: PROBATE CODE
Article :

§5-207. COURT APPOINTMENT OF GUARDIAN OF MINOR; PROCEDURE

(a). Notice of the time and place of hearing of a petition for the appointment of a guardian of a minor is to be given by the petitioner in the manner prescribed by court rule under section 1-401 to:

- (1). The minor, if he is 14 or more years of age; [1979 , c. 540 , §1 (NEW) .]
- (2). The person who has had the principal care and custody of the minor during the 60 days preceding the date of the petition; and [1979 , c. 540 , §1 (NEW) .]
- (3). Any living parent of the minor. [1979 , c. 540 , §1 (NEW) .]

[1979 , c. 540 , §1 (NEW) .]

(b). Upon hearing, if the court finds that a qualified person seeks appointment, venue is proper, the required notices have been given, the requirements of section 5-204 have been met, and the welfare and best interests of the minor will be served by the requested appointment, it shall make the appointment. In other cases the court may dismiss the proceedings, or make any other disposition of the matter that will best serve the interest of the minor.

[1979 , c. 540 , §1 (NEW) .]

(c). If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian may not last longer than 6 months, except as provided in subsection (c-1).

Notice of hearing on the petition for the appointment of a temporary guardian must be served as provided under subsection (a), except that the notice must be given at least 5 days before the hearing, and notice need not be given to any person whose address and present whereabouts are unknown and can not be ascertained by due diligence. Upon a showing of good cause, the court may waive service of the notice of hearing on any person, other than the minor, if the minor is at least 14 years of age.

[2003 , c. 583 , §3 (AMD) .]

(c-1). If one of the parents of a minor is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days, a temporary guardianship that would otherwise expire is automatically extended until 30 days after the parent is no longer under those active duty orders or until an order of the court so provides. This subsection applies only if the parent's service is in support of:

- (1). An operational mission for which members of the reserve components have been ordered to active duty without their consent; or [2003 , c. 583 , §4 (NEW) .]
- (2). Forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress. [2003 , c. 583 , §4 (NEW) .]

[2003 , c. 583 , §4 (NEW) .]

(d). If, at any time in the proceeding, the court determines that the interests of the minor are or may be inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is fourteen years of age or older.

[1979, c. 540, §1 (NEW) .]

SECTION HISTORY

1979, c. 540, §1 (NEW). 1999, c. 303, §1 (AMD). 2003, c. 583, §§3,4 (AMD) .

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